

**Notice of Allowability****Application No.**

10/694,429

**Examiner**

MICHAEL C. LAI

**Applicant(s)**

ULVENES, RANDY

**Art Unit**

2457

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communications filed on 01/05/2012.
2. ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
3. ☒ The allowed claim(s) is/are 14,15, and 27-32.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 01/19/2009, 03/14/2012
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 02/29/2012.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/ARIO ETIENNE/  
Supervisory Patent Examiner, Art Unit 2457

### DETAILED ACTION

This office action is responsive to communications filed on 01/05/2012.

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lawrence H. Aaronson on 02/29/2012.

The application has been amended as follows:

- Claims 4-6 and 33 have been canceled.
- Claims 14 and 29 have been amended as follows:

14. (Currently amended) In a communication system wherein web content is transmitted over a communication path from a content server to a client station in response to a request from the client station, a method comprising the following functions carried out while the web content is in transit from the content server to the client station and has thus left the content server but has not yet arrived at the client station, the method comprising the following functions:

receiving the web content at an intermediation system in the communication path;  
the intermediation system computing a size-based cost to access the received web content;  
the intermediation system engaging in interstitial communication with the client station to receive user approval to pay the computed size-based cost; and

after receiving the user approval, the intermediation system sending the web content along the communication path to the client station,

wherein the communication path extends from the content server, over a packet-switched network, and through an access channel to the client station, and wherein the intermediation system is within the access channel.

29. (Currently amended) In a communication system wherein web content is transmitted over a communication path from a content server to a client station in response to a request from the client station, a method ~~comprising the following functions:~~ carried out while the web content is in transit from the content server to the client station and has thus left the content server but has not yet arrived at the client station, the method comprising the following functions:

receiving the web content at an intermediation system in the communication path;  
the intermediation system computing a size-based cost to access the received web content;

the intermediation system engaging in interstitial communication with the client station to receive user approval to pay the computed size-based cost; and

after receiving the user approval, the intermediation system sending the web content along the communication path to the client station,

wherein the communication path comprises an access channel between the client station and a packet-switched network, the method comprising carrying out the functions within the access channel.

#### **Allowable Subject Matter**

Claims 14, 15, and 27-32 are allowed based on applicant's Amendments/Arguments filed on 01/05/2012 and examiner's Amendment filed on 02/29/2012.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Lai whose telephone number is (571) 270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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29FEB2012

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